A prior section 7299, acts Aug. 10, 1956, ch. 1041, 70A Stat. 449; Aug. 25, 1958, Pub. L. 85–747, 72 Stat. 839; Dec. 12, 1980, Pub. L. 96–513, title V, §513(26), 94 Stat. 2932; Oct. 12, 1982, Pub. L. 97–295, §1(47), 96 Stat. 1298, directed that each contract for construction, alteration, furnishing, or equipping of naval vessel was subject to the Walsh-Healey Act, unless President determined that such requirement was not in interest of national defense, prior to repeal by Pub. L. 103–355, title III, §3023(a), Oct. 13, 1994, 108 Stat. 3333.

AMENDMENTS

2011—Pub. L. 111–350 substituted ''chapter 65 of title 41'' for ''Walsh-Healey Act'' in section catchline and for ''the Walsh-Healey Act (41 U.S.C. 35 et seq.)'' in text.

§ 7299a. Construction of combatant and escort vessels and assignment of vessel projects

(a) The assignment of naval vessel conversion, alteration, and repair projects shall be based on economic and military considerations and may not be restricted by a requirement that certain parts of naval shipwork be assigned to a particular type of shipyard or geographical area or by a similar requirement.

(b) In evaluating bids or proposals for a contract for the overhaul, repair, or maintenance of a naval vessel, the Secretary of the Navy shall, in determining the cost or price of work to be performed in an area outside the area of the homeport of the vessel, consider foreseeable costs of moving the vessel and its crew from the homeport to the outside area and from the outside area back to the homeport at the completion of the contract.

(c)(1) Before issuing a solicitation for a contract for short-term work for the overhaul, repair, or maintenance of a naval vessel, the Secretary of the Navy shall determine if there is adequate competition available among firms able to perform the work at the homeport of the vessel. If the Secretary determines that there is adequate competition among such firms, the Secretary—

(A) shall issue such a solicitation only to firms able to perform the work at the homeport of the vessel; and

(B) may not award such contract to a firm other than a firm that will perform the work at the homeport of the vessel.

(2) Paragraph (1) applies notwithstanding subsection (a) or any other provision of law.

(3) Paragraph (1) does not apply in the case of voyage repairs.

(4) In this subsection, the term ''short-term work'' means work that will be for a period of 10 months or less.

(Added Pub. L. 97–295, §1(48)(A), Oct. 12, 1982, 96 Stat. 1298; amended Pub. L. 99–661, div. A, title XII, §1201(a), Nov. 14, 1986, 100 Stat. 3967; Pub. L. 100–180, div. A, title XI, §1101, Dec. 4, 1987, 101 Stat. 1145; Pub. L. 101–510, div. A, title XIV, §1422, Nov. 5, 1990, 104 Stat. 1682; Pub. L. 102–484, div. A, title X, §1016, Oct. 23, 1992, 106 Stat. 2485; Pub. L. 114–328, div. A, title X, §1021, Dec. 23, 2016, 130 Stat. 2388.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7299a	10:7291 (note).	June 11, 1965, Pub. L. 89–37, §§302, 303, 79 Stat. 128.

In subsection (a), the words ''combatant vessels'' are substituted for ''warships'' for consistency in title 10 and because of 1:3. The words ''for which appropriations are authorized by this Act and hereafter'' are omitted as unnecessary.

AMENDMENTS

2016—Subsec. (c)(4). Pub. L. 114–328 substituted ''10 months'' for ''six months''.

1992—Subsec. (a). Pub. L. 102–484, §1016(a), (b)(1), redesignated subsec. (b) as (a) and struck out former subsec. (a) which read as follows: ''The distribution of assignments and contracts for the construction of combatant vessels and escort vessels is subject to the Act of March 27, 1934 (ch. 95, 48 Stat. 503), requiring that the first and each succeeding alternate vessel be constructed in a Navy yard. However, the President may direct that a vessel be constructed in a Navy or private yard if the requirement of this subsection is inconsistent with the public interest.''

Subsec. (b). Pub. L. 102–484, §1016(b)(1), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a).

Subsecs. (c), (d). Pub. L. 102–484, §1016(b), redesignated subsec. (d) as (c) and substituted ''subsection (a)'' for ''subsection (b)'' in par. (2). Former subsec. (c) redesignated (b).

1990—Subsec. (d)(3). Pub. L. 101–510 substituted ''apply in the case of voyage repairs.'' for ''apply—

''(A) in the case of voyage repairs; or

''(B) in the case of a vessel that is assigned to the Naval Reserve force and homeported on the West Coast of the United States.''

1987—Subsec. (d). Pub. L. 100–180 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows:

''(1) Notwithstanding subsections (b) and (c), the Secretary may award a contract for short-term work for the overhaul, repair, or maintenance of a naval vessel only to a contractor that is able to perform the work at the homeport of the vessel, if the Secretary determines that adequate competition is available among firms able to perform the work at the homeport of the vessel.

''(2) In this subsection, the term 'short-term work' means work that will be for a period of six months or less.''

1986—Subsecs. (c), (d). Pub. L. 99–661 added subsecs. (c) and (d).

DELEGATION OF AUTHORITY

For delegation of authority of President under subsec. (a) of this section, see section 2 of Ex. Ord. No. 12765, June 11, 1991, 56 F.R. 27401, set out as a note under section 113 of this title.

§ 7300. Contracts for nuclear ships: sales of naval shipyard articles and services to private shipyards

The conditions set forth in section 2208(j)(1)(B) of this title and subsections (a)(1) and (c)(1)(A) of section 2563 of this title shall not apply to a sale by a naval shipyard of articles or services to a private shipyard that is made at the request of the private shipyard in order to facilitate the private shipyard's fulfillment of a Department of Defense contract with respect to a nuclear ship. This section does not authorize a naval shipyard to construct a nuclear ship for the private shipyard, to perform a majority of the work called for in a contract with a private en-